



Ninety-Ninth Legislature - First Session - 2005
Introducer's Statement of Intent
LB 522

Chairperson: Jim Jensen
Committee: Health and Human Services
Date of Hearing: February 10, 2005

The following constitutes the reasons for this bill and the purposes which are sought to be accomplished thereby:

Currently, under existing law, the requirements to be a licensed cosmetologist or a licensed barber are nearly identical. However, the requirements to be a licensed barber instructor differ significantly from the requirements to become a licensed cosmetology instructor. Eighteen college credits are required to be a licensed barber instructor but no postsecondary coursework is required to be a cosmetology instructor. LB 522 would eliminate the requirement for post-secondary education as a prerequisite for becoming a licensed barber instructor.

The current law appears to violate the equal protection provisions of the State Constitution. When a similar issue was looked at by the Nebraska Supreme Court, the Court held that a city ordinance tracing the operating hours of beauty shops (cosmetologists) and barber shops (barbers) differently, when not based on sound public policy or substantial difference, was unconstitutional and void. The court said that “the acts performed on customers of barber shops and con customers of beauty shops seem very similar in their nature. In their relation to health and disease about the only real difference is that arising from the difference in the sexes treated. Ernesti v City of Grand Island, 125 Neb. 688 (1933). Treating the requirements for barber instructor different from the requirements for a cosmetology instructor may be unconstitutional.

In addition, 71-207.02 requires the registrant who wants to open and operate a new barber school offer proof that the school will not be detrimental to the public welfare. The factors to determine “public welfare” include: the economic character of the community and the social and economic effect of the establishment of a barber school on the community where the school is proposed to be located. In order to facilitate the creation of barber schools or competition, this section is repealed.

Principal Introducer: _____
Senator Dennis Byars